

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ELSMERE PARK CLUB, L.P.,  
a Delaware limited partnership,

Plaintiff,

v.

TOWN OF ELSMERE, a Delaware  
municipal corporation, ELLIS  
BLOMQUIST, EUGENE BONEKER,  
and JOHN GILES,

Defendants.

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Civil Action No. 04-1321

**STIPULATED PROTECTIVE ORDER**

WHEREAS, on August 5, 2005, Defendants Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles (the "Defendants") served a Subpoena upon J.A.B. Properties Management, Inc. ("JAB") for production of documents on August 12, 2005 (the "Subpoena"); and

WHEREAS, counsel for the parties have conferred with counsel for JAB, Robert S. Nussbaum, Esquire ("Mr. Nussbaum"), and agreed to abide by the terms and conditions of this Stipulated Protective Order ("Stipulation"),

IT IS HEREBY STIPULATED AND AGREED, as follows:

1. JAB will make available for inspection and copying those documents identified in the Subpoena on or about September 21, 2005; and
2. The parties to this action and their respective counsel agree that any and all documents or other materials produced by JAB are deemed confidential and shall be used only for the prosecution and/or defense of this action (hereinafter "Confidential

Material”), to the extent so doing does not adversely affect legal and/or fiduciary obligations of either Plaintiff or Defendants existing as of the date of this Stipulation. Further, except as specifically provided in this or subsequent Court orders, Confidential Material or its contents shall not be revealed, disclosed or otherwise made known to persons, directly or indirectly, other than the following:

(a) The parties to the litigation, including their agents, employees and representatives, to the extent necessary to assist their Counsel with the action, provided, however, that any such persons receiving Confidential Material shall pledge to abide by the terms and conditions of this Stipulation, and shall so evidence such undertaking by signing a confidentiality statement in the form attached as Exhibit A;

(b) Counsel for the parties and regular and temporary employees of such counsel who assist such counsel;

(c) Court reporters employed by the Court or the parties to transcribe testimony (in deposition or Court) or any other proceedings in this action;

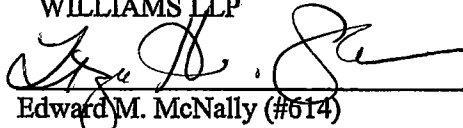
(d) Expert witnesses retained by either party for the purposes of prosecuting or defending this action, provided however that every such expert shall agree to abide by the terms and conditions of this Stipulation, and shall so evidence such undertaking by signing a confidentiality statement in the form attached as Exhibit A; and

(e) Other persons only upon order of the Court, or upon stipulation of JAB.

3. Following the conclusion of this matter, all recipients of Confidential Material shall assemble and return to Mr. Nussbaum, or alternatively, destroy and provide a certificate of destruction, all Confidential Material, including all copies of

Confidential Material which may have been made, except counsel of record may retain in its files one complete set of filings with the Court. The return of such documentary material shall be acknowledged by Mr. Nussbaum or JAB.

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Dated: October 18, 2005

SO ORDERED this \_\_\_\_\_ day of October, 2005

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Robinson, J.

EXHIBIT A

I hereby certify (i) my understanding that confidential material is being provided to me pursuant to the terms and restrictions of the Stipulated Protective Order (the "Stipulation and Order") entered by the United States District Court for the District of Delaware, and (ii) that I have read the Stipulation and Order. I understand the terms of the Stipulation and Order, I agree to be fully bound by the Stipulation and Order and I hereby submit to the jurisdiction of the United States District Court for the District of Delaware for purposes of enforcement of the Stipulation and Order. I understand that violation of the Stipulation and Order is punishable by contempt of Court.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_